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CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Mail Stop Missing Parts, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on the below date:
Date: September 1, 2006 Name: M. Collins Signature: *M. Collins*

BRINKS
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: **MICHAEL J. BORRELLI**

Appln. No.: **10/764,316**

Filed: **January 23, 2004**

For: **METHODS AND COMPOSITIONS FOR HEAT
ACTIVATED GENE THERAPY USING
CYTOLETHAL DISTENDING TOXIN**

Examiner: **Kimberly Chong**

Art Unit: **1635**

Attorney Docket No: **10546-109**

MS Amendments
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450
Sir:

TRANSMITTAL

Attached is/are:

- ☒ Response to Notice of Non-Compliant Amendment
☒ Return Receipt Postcard

Fee calculation:

- ☐ No additional fee is required.
☐ Small Entity.
☐ An extension fee in an amount of \$ _____ for a month extension of time under 37 C.F.R. § 1.136(a).
☐ A petition or processing fee in an amount of \$ _____ under 37 C.F.R. § 1.17(____).
☐ An additional filing fee has been calculated as shown below:

					Small Entity			Not a Small Entity	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee	or	Rate	Add'l Fee
Total		Minus			x \$25=			x \$50=	
Indep.		Minus			x 100=			x \$200=	
First Presentation of Multiple Dep. Claim					+\$180=			+\$360=	
					Total	\$		Total	\$

Fee payment:

- ☐ A check in the amount of \$ _____ is enclosed.
☐ Please charge Deposit Account No. 23-1925 in the amount of \$ _____. A copy of this Transmittal is enclosed for this purpose.
☐ Payment by credit card in the amount of \$ _____ (Form PTO-2038 is attached).
☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

Respectfully submitted,

Steven L. Oberholtzer
Steven L. Oberholtzer (Reg. No. 30,670)

September 1, 2006
Date

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